

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 ROBERT HOWELL, JR.,

13 Defendant.

CASE NO. CR21-0190-JCC

ORDER

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15 This matter comes before the Court on the parties' stipulated motion to continue trial
16 (Dkt. No. 23). Having thoroughly considered the motion and relevant record, the Court
17 GRANTS the motion for the reasons explained below.

18 Defendant was recently charged by indictment with one count of possession of child
19 pornography. (*See* Dkt. No. 17.) Trial is currently set for January 10, 2022. (Dkt. No. 21.) The
20 parties have conferred regarding a realistic trial schedule. (Dkt. No. 23.) Defense Counsel is
21 currently scheduled to begin a lengthy trial in the District of Alaska, and due to the complexity of
22 the case, will not be able to complete review of discovery until that trial has ended. (*Id.* at 1–2.)
23 The parties now request a continuance to September 26, 2022. (*Id.*) Defendant Howell has signed
24 a speedy trial waiver to this effect (Dkt. No. 22.).

25 Having thoroughly considered the motion and the relevant record, the Court FINDS that
26 the ends of justice served by granting a continuance outweigh the best interests of Defendant and

1 the public to a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The reasons for this finding are:

- 2 1. Taking into account the exercise of due diligence, the failure to grant a continuance
3 would deny counsel the reasonable time necessary for effective preparation, *see* 18
4 U.S.C. § 3161(h)(7)(B)(iv), and would therefore result in a miscarriage of justice, *see*
5 18 U.S.C. § 3161(h)(7)(B)(i).
- 6 2. The time between the date of this order and the new trial date is a reasonable period
7 of delay given the complexity of the case, counsels' respective schedules, recently
8 initiated plea negotiations, and the nature of contraband evidence requiring review at
9 a government facility.

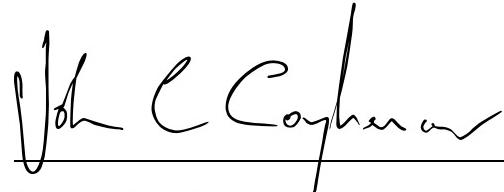
10 Accordingly, the Court GRANTS the parties motion (Dkt. No. 23) and ORDERS:

- 11 1. The January 10, 2022 jury trial is CONTINUED until September 26, 2022.
12 2. The December 8, 2021 pretrial motions deadline is CONTINUED until August 22,
13 2022.

14 The period from the date of this order until September 26, 2022 is an excludable time period
15 under 18 U.S.C. § 3161(h)(7)(A).

16 DATED this 29th day of December 2021.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE